

REMARKS

Status of Claims

The Office Action mailed April 25, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-3, 6-15, and 18-28 were pending in the application. Claims 1, 13, and 25 have been amended, claims 12, 24, and 28 have been cancelled without prejudice or disclaimer and no new claims have been added. Therefore, claims 1-3, 6-11, 13-15, 18-23, and 25-27 are pending in the application and presented for consideration.

This Amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Prior Art Rejection

In the Office Action, claims 1-3, 6-15, and 18-28 are rejected under U.S.C. § 102(e) as being anticipated by U.S. patent 6,647,373 to Carlton-Foss (hereafter "Carlton-Foss"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claims 1, 13, and 25 recite, *inter alia*, a method, program product, or a graphical user interface window for conducting an auction in which a *sponsor* of the auction evaluates at least one of the selected categories of the auction and an auction participant is provided a composite score (including the automated evaluation of the selected categories by the sponsor) before the bid is submitted by the auction participant. This recited feature is not disclosed or suggested by Carlton-Foss.

Specifically, the Office Action cites to col. 12, line 8 to col. 13, lines 30 of Carlton-Foss with respect to claims 12 and 24 where these features were previously recited. However, this cited portion merely discloses that the requestor/purchaser of the reverse auction has the option to review the result of the automated evaluation and to update them manually. See col. 12, line 53-60 of Carlton-Foss. However, the requestor/purchaser of the reverse auction corresponds to the *sponsor* in the pending claims. Nowhere does Carlton-Foss teach of

suggest that the *auction participant* (or *bidder* as described in Carlton-Foss) being provided with a composite score before the bid is submitted by the bidder.

This recited feature is especially valuable in the context of the claimed invention in which a bidder's (or auction participant's) composite score is determined partly by a evaluation of the bidder by the sponsor of the auction and as such the bidder would not know in advance how the submitted bid information would relate to the composite score before the bid was submitted.

Accordingly, neither the specific recited features and nor its advantages are disclosed or suggested by Carlton-Foss. In order for a reference to be utilized as an anticipatory reference under the provisions of 35 U.S.C. § 102, the reference must disclose each and every claim limitation. This is certainly not the case here, and thus the Sec. 102 rejection as to the independent claims 1, 13, and 25 must be withdrawn

The dependent claims are also in condition for allowance for at least the same reasons, as discussed above, as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

Conclusion

In view of the foregoing, applicants respectfully submit that the application is in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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